

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., et al.,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.
02-cv-3830 (LDD)

**HANDY & HARMAN TUBE COMPANY, INC.'S MOTION TO STRIKE
PLAINTIFFS' SUPPLEMENTAL RESPONSE TO JOINT CONTENTION
INTERROGATORY NO. 123 AND FOR OTHER RELIEF**

Defendant, Handy & Harman Tube Company, Inc. (H&H Tube”), by and through its undersigned counsel, Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, hereby moves the Court to strike Plaintiffs’ February 8, 2008 “supplemental” response to Joint Contention Interrogatory No. 123 and for other relief. In support of this motion, H&H Tube avers as follows:

1. On July 26, 2007, Plaintiffs filed a motion for leave to file a Fifth Amended Complaint which sought, in part, to add as party plaintiffs Smiths Group Services Corporation and Smith Group North America, Incorporated (“Smiths”).
2. On January 11, 2008, the Court denied that portion of Plaintiffs’ motion to add as party plaintiffs Smiths.
3. On January 21, 2008, Plaintiffs filed their Fifth Amended Complaint and included allegations relating to Smiths’ claims.

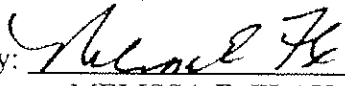
4. On February 8, 2008, Plaintiffs served a supplemental response to Joint Contention Interrogatory No. 123 in which Plaintiffs identified new facts, new documents and new witnesses relating to the Smiths claim, which claim this Court found to be barred by the statute of limitations.

5. For the reasons set forth in the accompanying memorandum, H&H Tube's motion to strike Plaintiffs' February 8, 2008 "supplemental" response to Joint Contention Interrogatory No. 123 should be granted.

WHEREFORE, Handy & Harman Tube Company respectfully requests that the Court strike Plaintiffs' February 8, 2008 "supplemental" response to Joint Contention Interrogatory No. 123.

Respectfully submitted,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

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Attorneys for Defendant,
Handy & Harman Tube Company, Inc.

Dated: March 31, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date caused true and correct copies of the attached Motion To Strike Plaintiffs' Supplemental Response To Joint Contention Interrogatory No. 123 And For Other Relief on all counsel of record via email and first class mail, postage prepaid, addressed as follows:

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